

CHAPTER 618
Animals

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CROSS REFERENCES

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618.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

(a) "Animal Warden" means the Chief Dog Warden or his or her duly authorized representative(s).

(b) "Dangerous dog" means a dog, other than a police dog, that, without provocation:

(1) Has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harborer and not under the reasonable control of its owner, keeper, harborer or some other responsible person, or;

(2) Any dog which, on three separate occasions within a twelve-month period, has been impounded by the Animal Warden for being unrestrained or uncontrolled off its owner's, keeper's or harborer's premises.

(c) "Impounded" means taken into the custody of the public pound in the City.

(d) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(e) "Owner" or "harboring" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(f) "Police dog" means a dog that has been trained, certified and/or approved by the State and may be used to assist one or more law enforcement officers in the performance of their official duties.

(g) "Serious injury" to a person or domestic animal means any of the following:

(1) Physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery to a person;

(2) Any physical harm that carries a substantial risk of death;

(3) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary substantial incapacity;

(4) Any physical harm that involves a permanent disfigurement or a temporary serious disfigurement;

(5) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(h) "Vicious dog" means a dog other than a police dog, that, without provocation, meets any of the following:

(1) Has killed or caused serious injury to any person;

(2) Has caused injury, other than killing or serious injury, to any person, or has killed or caused serious injury to any domestic animal;

(3) Is owned, kept or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(4) "Vicious dog" does not include either of the following:

A. A police dog that has killed or caused serious injury to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their duties;

B. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or criminal offense on the property of the owner, keeper, or harborer of the dog.

(i) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(Ord. 2012-81. Passed 9-19-12.)

618.02 CERTAIN ANIMALS PROHIBITED; KEEPING OF WILD, DANGEROUS, VICIOUS OR

UNDOMESTICATED ANIMALS, OR LIVESTOCK AND DOMESTIC LIVESTOCK.

(a) No person shall keep any livestock or domestic livestock, including, but not limited to horse, mule, alpaca, llama, bovine, sheep, goat, swine, chicken, goose, pigeon, duck or other fowl in the City.

(1) However, any owner owning such animals as listed in Section 618.02(a) as of the effective date of this section shall be permitted to continue such ownership, so long as such animal(s) do not create nuisance conditions as set forth in Section 618.05. Whenever any of such animals dies, is sold or is given away, such pet owner shall not be permitted to replace such animal. In addition, there shall not be more than one pet owner permitted in any dwelling unit in the City.

(b) No person shall harbor, maintain or control a wild, dangerous, vicious or undomesticated animal or bees within the City. No person shall possess with intent to sell, or offer for sale, or breed, buy or attempt to buy, within the City any wild, dangerous, vicious or undomesticated animal.

(c) As used in this section, "wild, dangerous, vicious or undomesticated animal" includes any animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm, including, but not limited to, the following:

(1) A venomous snake or a snake that is a constrictor of a sufficient size to be capable of harming infants or household pets;

(2) An omnivorous or carnivorous animal that weighs more than 25 pounds and which is a predator in its natural habitat;

(3) An animal which, by reason of its size, strength or appetite, would, if unrestrained and at large in the City, cause peril to persons, household pets, buildings, landscape or shrubbery;

(4) An animal that makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the immediate vicinity of the animal;

(5) An animal that emits offensive odors so as to constitute a nuisance to persons in the vicinity of the animal;

(6) An animal with a known propensity, tendency or disposition to attack unprovoked or to cause injury to, or to otherwise endanger the safety of, human beings or domestic animals;

(7) An animal which attacks a human being or domestic animal without provocation;

(8) An animal which is owned or harbored primarily or in part for the purpose of fighting or trained for fighting; or

(9) By illustration and without limitation to the following: a lion, tiger, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wild ox or boar.

(d) No wild animals, wild birds, wild fowl or reptiles shall be kept or exhibited within the City unless they are kept or exhibited within the confines of a permanent structure containing cages or pens so designed as to prevent any member of the public from being killed or injured by such wild animals, wild birds, wild fowl or reptiles so kept or exhibited therein. Such structure used for the exhibition or keeping of the aforesaid wild animals, wild birds, wild fowl or reptiles shall be equipped with proper and adequate ventilation and sanitary facilities in order to eliminate noxious odors that would emanate therefrom because of the absence of these facilities. The aforesaid permanent structure shall be erected or placed upon land only in that area of the City so zoned to permit such structure.

(e) No person shall own or harbor any animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging such animal to unprovoked attacks upon human beings or domestic animals.

(f) If a law enforcement agent has probable cause to believe that an animal is being harbored or cared for in violation of this section, the law enforcement agent may petition a court of competent jurisdiction to order the seizure and impoundment of the animal pending trial.

(g) Any animal which attacks a human being or other domestic animal may be ordered destroyed when, in the court's judgment, such animal represents a continuing threat of serious harm to human beings or domestic animals.

(h) In addition to the penalty provided in division (j) of this section, whoever violates this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal, boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public, and such other expenses as may be required for the destruction or disposal of any such animal.

(i) The Chief of Police, his designee or the Animal Warden is hereby directed to notify any person in possession of or harboring any animal referred to in this section of the adoption of this section and to give such person 30 days within which to dispose of any such

animal in his or her possession.

(j) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2012-81. Passed 9-19-12.)

618.03 CONTROL OF DOMESTIC ANIMALS; ANIMALS RUNNING AT LARGE.

(a) No person, being the owner or having charge of any domestic animal, including dogs and cats, shall fail at any time to keep it either physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision or secure enclosure to prevent escape, or under reasonable control of some person, except when the animal is lawfully accompanied by the owner, keeper or harbinger or a handler and properly in leash.

(b) No person, being the owner or having charge of any female dog, shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat unless the dog is properly in leash.

(c) No person, being the owner or having charge of any domestic animal, including dogs and cats, shall permit such animal to run at large within the City.

(d) No person, being the owner or having charge of any domestic animal, including dogs and cats, shall permit such animal to go, enter or remain upon private property or to damage, destroy or commit nuisances upon any property, public or private.

(e) The running at large of any such animal in or upon any of the places mentioned in this section is prima facie evidence that it is running at large in violation of this section.

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02. In addition, if a violation of this section involves a dangerous or vicious dog, whoever violates this section shall be subject to the penalties provided in Section 618.09(i) and the dog shall be impounded according to Section 618.12. Impoundment of a dangerous or vicious dog because it was found to be in violation of this section shall not exempt the owner of the dog from being prosecuted under Section 618.09(i).

(g) In addition to the penalty prescribed in division (f) of this section, if the offender is guilty of a violation of division (a) or (b) of this section, or if the violation involves a dangerous or vicious dog, the court may order the offender to: (1) personally supervise the dog that he or she owns, keeps or harbors; (2) cause such dog to complete dog obedience training; (3) attend a class on responsible pet ownership and dog behavior; or (4) do all three. The court, in the alternative, may order the dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(Ord. 2012-81. Passed 9-19-12.)

618.04 REGISTRATION OF DOGS REQUIRED; DOGS REQUIRED TO WEAR TAGS; UNLAWFUL TAGS; HINDERING CAPTURE OF UNREGISTERED DOGS.

(a) No owner, keeper or harbinger of a dog more than three months of age, and no owner of a dog kennel, shall fail to file an application for registration required by Ohio R.C. 955.01, nor shall he or she fail to pay the legal fee therefore, except for guide, leader or listener dogs, or dogs in training to become guide, leader or listener dogs, registered under Ohio R.C. 955.011, and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16.

(b) No owner of a dog, except a dog constantly confined to a registered kennel, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima facie evidence of lack of registration and shall subject such dog to impounding.

(c) No person shall own, keep or harbor a dog wearing a fictitious, altered or invalid registration tag or a registration tag not issued by the County Auditor in connection with the registration of such animal.

(d) No person shall obstruct or interfere with any person lawfully engaged in capturing an unregistered dog or making an examination of a dog wearing a tag.

(e) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty

provided in Section 698.02. In addition, if the offender is guilty of a violation of division (a) of this section, such person shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first offense. For each subsequent offense, such person shall be fined not less than seventy-five dollars (\$75.00) nor more than two hundred fifty dollars (\$250.00) and may be imprisoned for not more than 30 days.

(Ord. 2012-81. Passed 9-19-12.)

618.05 NUISANCE CONDITIONS PROHIBITED; BARKING OR HOWLING DOGS.

(a) No person shall keep or harbor any animal in the City so as to create excessive noise, offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as provided for in this section.

(b) Any animal which, by biting or frequent and habitual barking, howling or yelping, or in any other way or manner, injures or disturbs the quiet of any person or the community, or disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner or person having custody of such an animal shall harbor such animal or permit it to commit such nuisance.

(1) On complaint made to the Division of Police or the Animal Warden, no person shall keep or harbor any dog within the City which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of the City. Any person who allows any dog to habitually remain or to be lodged or fed within any dwelling, building, yard or enclosure which he or she occupies or owns shall be considered as harboring such dog.

(2) For the purposes of this section, the Division of Police or the Dog Warden may issue and serve notices of all complaints to persons owning or keeping such dogs or permitting such dogs to be kept.

(c) Any animals which scratches, digs or defecates upon any lawn, tree, shrub, plant, building, or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be committing a nuisance.

(d) No person, being the owner or in charge or control of any animal, shall allow or permit such animal to commit a nuisance on any school grounds, City park or other public property, or upon any private property other than that of the owner or person in charge or control of such animal. Where the owner or person in charge of control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

(e) No person shall feed, or leave food out for stray animals so as to create excessive noise, damage to personal property, offensive odors, or unsanitary conditions, which are a menace to the health, comfort, or safety of the public, or otherwise cause the existence of a nuisance.

(f) Whoever violates any of the provisions of this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)

618.06 CRUELTY TO ANIMALS.

(a) Prohibited Actions. No person shall:

(1) Torture an animal, deprive an animal of necessary sustenance, or unnecessarily or cruelly beat, needlessly mutilate or kill an animal;

(2) Impound or confine an animal without supplying it during such confinement with a sufficient quantity of wholesome food and water;

(3) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this section, "shelter" means a man-made enclosure, windbreak or sunshade or a natural windbreak or sunshade that is developed from the earth's contour, tree development or vegetation;

(4) Carry or convey an animal in a cruel to inhuman manner; or

(5) Keep an animal in an enclosure without wholesome exercise and change of air.

(b) Abandoning Animals. No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.

(c) Killing or Injuring Animals. No person shall maliciously or willfully and without the consent of the owner, kill or injure any animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(d) Poisoning Animals. No person shall maliciously, or willfully and without the consent of the owner, administer poison to any animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity. No person shall willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any of such animals, either upon his or her own lands or the lands of another.

(e) Coloring Rabbits and Poultry; Sale or Display of Poultry. No person shall dye or otherwise color any rabbit or poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(f) Penalties.

(1) Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree and shall be subject to the penalty provided in Section 698.02. In addition, the court may order the offender to forfeit the animal and may provide for its disposition, including, but not limited to, the sale of the animal. If an animal is forfeited and sold pursuant to this subsection, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(2) Whoever violates division (b) of this section is guilty of a minor misdemeanor.

(3) Whoever violates division (c) of this section is guilty of a misdemeanor of the second degree if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00). If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree.

(4) Whoever violates division (d) of this section is guilty of a misdemeanor of the fourth degree.

(5) Whoever violates division (e) of this section is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree for any subsequent offense. The penalties shall be as provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)

618.07 NEGLECT OF ANIMALS.

(a) No owner or keeper of a dog, cat, or other domestic animal shall cause any condition that may lead to permanent injury, death, or harm to such animal, including confining an animal in a motor vehicle under any conditions that may endanger the well being of the domestic animal.

(b) No person shall keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation.

(c) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:

(1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;

(2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;

(3) Regular exercise sufficient to maintain the animal's good health;

- (4) Necessary veterinary care;
- (5) Current vaccinations, including but not limited to rabies for all animals three months and older;
- (6) Shelter from the elements.

(d) No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:

- (1) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;
- (2) The shelter, case or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;
- (3) The shelter, cage or pen shall be regularly cleaned and sanitized.

(e) Whoever violates this section is guilty of neglect of animals, a misdemeanor of the first degree.

(Ord. 2012-81. Passed 9-19-12.)

618.08 TETHERING OF ANIMALS.

(a) No person shall tether an animal in any of the following circumstances:

(1) For more than six hours total in a 24-hour period and not more than two consecutive hours with no less than a one-hour period between tethering;

(2) Between the hours of 10:00 p.m. and 7:00 a.m.;

(3) If a heat or cold advisory has been issued by a local or State authority or the National Weather Service;

(4) If a severe weather warning has been issued by a local or State authority or the National Weather Service;

(5) If the tether is less than 20 feet in length;

(6) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;

(7) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar, or if the collar is unsafe or is not properly fitted;

(8) If the tether may cause injury or entanglement;

(9) If the animal is not provided with its needs as identified in division (c) of Section 618.07.

(10) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;

(11) If no owner or occupant is present at the premises.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 2012-81. Passed 9-19-12.)

618.09 CONTROL OF VICIOUS AND DANGEROUS DOGS.

(a) No person owning or harboring, or having the care or custody of, a vicious or dangerous dog shall suffer or permit such animal to go unconfined on the premises of such person. As used in this section, "unconfined" means not securely confined indoors or in a

securely enclosed and locked pen or a run area upon the premises of such person. Such pen or run area must also have a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground not less than one foot. In the alternative, said animal may be confined in a locked fenced yard which fence is at least six feet high or other locked enclosure which has a top. Any enclosure must provide protection from the elements for the dog.

(b) No person owning or harboring, or having the care or custody of, a vicious or dangerous dog shall permit the un-muzzled dog at any time to be on a public street, highway, park, building, or other public place.

(c) No person owning or harboring, or having the care of, a vicious or dangerous dog shall suffer or permit such animal to go beyond the premises of such person, unless such animal is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds, not exceeding three feet in length, and under the custody and control of a person who is at least eighteen years of age and of suitable acquired discretion. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(d) Any owner, keeper, or harborer of a dog declared dangerous or vicious pursuant to Section 618.01 hereof shall, at the expense of such owner, keeper or harborer, have the dog tattooed or micro-chipped to secure positive identification.

(e) All owners, keepers or harborers of vicious or dangerous dogs shall obtain a special policy of liability insurance with an insurer authorized to write liability insurance in this State, providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000), insuring such person against any claim, loss, damage or injury to or death of persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the vicious or dangerous dog. Such person shall produce evidence of such insurance upon the request of a law enforcement agent.

(1) All persons who presently own, keep or harbor a vicious or dangerous dog must obtain a special policy of liability insurance within 30 days of the effective date of this section.

(f) All owners, keepers or harborers of a vicious or dangerous dog shall have posted and displayed at each possible entrance onto the premises where the vicious or dangerous dog is kept a conspicuous sign, clearly legible, and easily readable by the public warning that there is a vicious or dangerous dog on the premises. Such sign shall be at least eight inches by ten inches in rectangular dimensions and shall contain only the words "VICIOUS DOG" or "DANGEROUS DOG" in lettering not less than two inches in height.

(g) The owner, keeper or harborer of a vicious or dangerous dog shall notify the animal warden or the Division of Police within 24 hours if the vicious or dangerous dog is on the loose, is unconfined, has attacked another animal, has attacked any person, has died, or if ownership or possession of the dog has been transferred to another person.

(h) If there has been a transfer of possession or ownership of a dangerous or vicious dog, within ten days after such transfer of ownership or possession, the seller, transferor, owner, keeper or harborer shall provide a completed copy of a written form to the Animal Warden on which the seller, transferor, owner, keeper or harborer shall furnish the following information:

(1) The name and address of the buyer or other transferee of the dog;

(2) The age, sex, color, breed, and registration number of the dog;

(3) In addition, the seller, transferor, owner, keeper or harborer shall answer the following questions which shall be specifically stated on the form as follows:

A. "Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

B. "Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

C. "Has the dog ever seriously injured or killed a person or other animal? If yes, describe the incident(s) in which the behavior occurred." The animal warden shall furnish the form to the seller or transferor at no cost.

(i) Penalties

(1) If a violation of this section involves a dangerous dog, whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense and shall be fined one thousand dollars (\$1,000), which fine shall be mandatory, and shall not be suspended or remitted. In addition, the court may order the offender to: (1) personally supervise the dog that he or she owns, keeps or harbors; (2) cause that dog to complete dog obedience training; (3) attend a class on responsible pet ownership and dog behavior; or (4) do all three. The court, in the alternative, may order the dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(2) If a violation of this section involves a vicious dog, whoever violates this section is guilty of a misdemeanor of the first degree on a first offense and shall be fined one thousand dollars (\$1,000), which fine shall be mandatory, and shall not be suspended or remitted. In addition, the court may order the dog to be spayed or neutered at the owner's, keeper's or harbinger's expense. Additionally, the court may order the dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(3) Any owner who does not obtain the special liability insurance coverage required in accordance division (e) of this section shall be found guilty of a misdemeanor of the first degree.

(4) Any owner who is found guilty of violating or not complying with division (f) or (g) of this section shall be found guilty of a misdemeanor of the first degree and shall be fined one hundred dollars (\$100.00) on each subsequent offense, which fine shall be mandatory and shall not be suspended or remitted.

(5) Any owner found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal, or boarding and veterinary expenses necessitated by the seizure of the vicious or dangerous dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(6) This section shall not apply whenever the conduct prescribed in this chapter constitutes a felony under Ohio R.C. 955.99.

(Ord. 2012-81. Passed 9-19-12.)

618.10 REPORTING ESCAPES OF CERTAIN ANIMALS.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his or her custody or control that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he or she discovers or reasonably should have discovered the escape, report it to the Division of Police.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)

618.11 RABIES QUARANTINE.

(a) No person having knowledge of the existence of rabies in an animal, or knowledge that an animal has exhibited symptoms or behavior suggestive of rabies, or knowledge that an animal has bitten any person, shall fail to immediately report such information to the Division of Police.

(b) Whenever it is established by the Chief of Police or the Animal Warden that any animal has bitten any person or exhibits symptoms or behavior suggestive of rabies, the person who owns, harbors or otherwise cares for such animal shall confine it in close quarantine and isolation or shall place such animal in the establishment of a veterinarian until, in either case, it is determined by the County Board of Health that the animal is not afflicted with rabies. The isolation and quarantine period hereby required shall be not less than ten days from the date the person was bitten. If the animal has, or develops, any symptoms suspicious of rabies during the ten-day period, the County Board of Health shall be notified immediately. All expenses incurred for the keeping of such animal, or the necessary tests to determine whether rabies exists, shall be borne exclusively by the person who owns, harbors or otherwise cares for such animal.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)

618.12 IMPOUNDING OF DOGS, OTHER ANIMALS.

(a) In addition to any other penalties applicable to violations of this chapter, the Chief of Police or the Animal Warden may impound any dog or other animal found in violation of this chapter. If a dog is not wearing a valid license tag, or the owner of any animal cannot be found, the Division of Police or the Animal Warden may impound the dog or other animal in the City or to an officer charged by law with the custody and disposal of such dogs or other animal. If a dog or other animal is wearing a licensed or identification tag, the

Division of Police or the Animal Warden shall immediately give the licensee or owner, if he or she can be found, written and/or verbal notice that the dog has been impounded. The licensed dog or other animal may be released to the licensee or owner and the licensee or owner shall be charged with a violation of any applicable section of this chapter.

(b) In order to claim and redeem any impounded animal, the owner, keeper or harbinger thereof shall submit to the Animal Warden proof of ownership. Further, as a condition of release, the owner, keeper or harbinger shall obtain a valid license, if applicable, and pay all fees appurtenant thereto. Finally, as a condition of release, the owner, keeper or harbinger shall pay all fees and costs accruing in connection with the impoundment.

(c) The following fees and costs shall accrue incident to the impoundment of animals:

- (1) For housing and feeding (per day) for a canine: \$15.00
- (2) For housing and feeding (per day) for a feline: \$10.00
- (3) For housing and feeding (per day) for exotic or vicious animals: \$20.00
- (4) Impoundment fee for any animal: \$50.00

(Ord. 2012-81. Passed 9-19-12.)

618.13 DOGS WITH BLIND, DEAF OR MOBILITY IMPAIRED PERSONS.

(a) When a blind, deaf or mobility impaired person is accompanied by a dog that serves as, or is in training to become, a guide, leader, listener or support dog for him or her, and he or she can show proof by certificate or other means that the dog leading him or her, listening for him or her, or providing support or assistance for him or her, has been or is being trained for that purpose by a nonprofit special agency engaged in such work, the person is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels and lodging places, all places of public accommodation, amusement or resort, all institutions of education, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

- (1) The dog shall not occupy a seat in any public conveyance;
- (2) The dog shall be upon a leash while using the facilities of a common carrier; and

(3) Any dog in training to become a guide, leader, listener or support dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

(b) No person shall deprive a blind, deaf or mobility impaired person of any of the advantages, facilities or privileges provided in division (a) of this section, nor charge the blind, deaf or mobility impaired person a fee or charge for the dog.

(c) As used in this section, "institutions of education" means:

- (1) Any state university or college, as defined in Ohio R.C. 3345.32;
- (2) Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;
- (3) Any elementary or secondary school operated by a board of education;
- (4) Any chartered or non-chartered non-public elementary or secondary school; and
- (5) Any school issued a certificate of registration by the State Board of Proprietary School Registration.

(d) Whoever violates this section is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)

618.14 ANIMALS IN BUSINESS ESTABLISHMENTS.

(a) No person shall bring any cat, dog or other animal into any business establishment operating in the City other than a business establishment the express purpose of which is the selling, servicing or treating of dogs, cats or other animals. No person shall refuse to remove such pet upon the demand of the owner of the business establishment, his or her employee, a police officer or other law enforcement officer of the City.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)

618.15 HUNTING.

(a) No person shall engage in hunting or shooting or, in the open air, have implements for hunting or shooting with intention to use them for that purpose within the City.

The use of hunting implements in trap shooting or target shooting, when conducted under proper supervision or under the auspices of a recognized hunt, trap shooting, rifle and pistol or game club is permitted.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree for a first offense and a misdemeanor of the third degree for each subsequent offense. The penalty shall be as provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)

618.16 MAXIMUM NUMBER OF DOGS AND CATS PERMITTED.

(a) No pet owner shall be permitted to keep more than five dogs, puppies, cats or kittens, over three months of age, or any combination thereof, within the City. However, any pet owner that can prove ownership of more than five such animals as of February 2, 2005, the effective date of this section, shall be permitted to continue such ownership, so long as such animal(s) do not create nuisance conditions as set forth in Section 618.05. Whenever any of such animals dies, is sold or is given away, such pet owner shall not be permitted to replace such animal if such replacement would bring the total number of animals to more than five. In addition, there shall not be more than one pet owner permitted in any dwelling unit in the City.

(b) Whoever violates or fails to comply with this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

(Ord. 2012-81. Passed 9-19-12.)